

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

<b>LABORERS' PENSION FUND and</b>	)	
<b>LABORERS' WELFARE FUND OF THE</b>	)	
<b>HEALTH AND WELFARE DEPARTMENT</b>	)	
<b>OF THE CONSTRUCTION AND GENERAL</b>	)	
<b>LABORERS' DISTRICT COUNCIL OF</b>	)	
<b>CHICAGO AND VICINITY, and JAMES S.</b>	)	
<b>JORGENSEN, Administrator of the Funds,</b>	)	<b>Judge KOCORAS</b>
	)	
<b>Plaintiffs,</b>	)	<b>Case No. 12-cv-1190</b>
<b>v.</b>	)	
	)	
<b>PATTERNED CONCRETE OF ILLINOIS,</b>	)	
<b>an Illinois corporation,</b>	)	
	)	
<b>Defendants.</b>	)	

**MOTION FOR JUDGMENT IN SUM CERTAIN**

Now come Plaintiffs Laborers' Pension Fund and Laborers' Welfare Fund of the Health and Welfare Department of the Construction and General Laborers' District Council of Chicago and Vicinity and James S. Jorgensen, Administrator of the Funds (collectively referred to hereinafter as the "Funds"), by and through their attorney, John Hamada, and hereby move this Court to enter Judgment in Sum Certain on Counts II and II of the Plaintiffs' Complaint against Defendant Patterned Concrete of Illinois ("Company" or "Defendant"). In support of this Motion, Plaintiffs state as follows:

1. The Funds filed their Complaint on February 21, 2012 seeking to compel the Company to submit the full amount remaining due on the defaulted Note, plus liquidated damages, to compel the Company to submit the its benefit reports and contributions for the period of September 2011 forward, to compel the Company to submit the its dues reports and dues for the period of September 2011 forward, and

submit the Company's books and records to an audit.

2. Corporate service of Summons and Complaint was effectuated on the Company's registered agent on February 24, 2012. A true and accurate copy of the Affidavits of Service is attached hereto as Exhibit A.

3. Defendant failed to file an Answer or responsive pleading. The Court entered default judgment in sum certain on Count I, of the Funds' Complaint on March 27, 2012. The Court found the Company to be in default on Counts II and III of the Funds' Complaint and retained jurisdiction to enter judgment in sum certain against the Company pursuant to the audit.

4. Subsequent to the March 27, 2012 Order, the Company submitted its books and records to an audit for the period of July 1, 2010 through December 31, 2011.

4. Pursuant to Section 502(g)(2) of the Employee Retirement Income Security Act ("ERISA"), as amended, 29 U.S.C. § 1132(g)(2), Section 301 of the Labor Management Relations Act ("LMRA"), as amended, 29 U.S.C. §185, the Agreement, the Funds' respective Agreements and Declarations of Trust, and the Note and Guaranty, the Funds are entitled to judgment in the amount of \$26,411.58 against Defendant Patterned Concrete of Illinois on Counts II and III as follows:

- A. As set forth in the Affidavit of Rocco Marcello filed contemporaneously herewith and attached hereto as Exhibit B, \$19,932.58 in unpaid benefit contributions, dues, interest, liquidated damages and audit costs owed pursuant to the July 1, 2010 through December 31, 2011 audit; See Exhibit B, ¶¶ 5 and 6; and

- B. As set forth in the Declaration of John Hamada, filed contemporaneously herewith and attached hereto as Exhibit C, \$6,479.00 in attorneys' fees and costs.

WHEREFORE, Plaintiffs respectfully request that judgment be entered in Plaintiffs' favor and against Defendant Patterned Concrete of Illinois on Counts II and III of Plaintiffs' Complaint in the amount of \$26,411.58, as follows:

- A. For \$19,932.58 in unpaid benefit contributions, dues, interest, liquidated damages and audit costs owed pursuant to the July 1, 2010 through December 31, 2011 audit;
- B. For \$6,479.00 representing attorneys' fees and costs; and
- C. Ordering Defendants to pay post judgment interest in all amounts due from the date of judgment until the judgment is satisfied.

August 29, 2012

Respectfully submitted,  
Laborers' Pension Fund, et al.

By: /s/ John Hamada

**CERTIFICATE OF SERVICE**

The undersigned attorney of record certifies that he caused a copy of the foregoing Motion for Default Judgment and Proposed Order to be served upon the following persons via U.S. First Class Mail, postage prepaid, on August 29, 2012:

Patterned Concrete of Illinois  
c/o Anthony G. Barone  
635 Butterfield Rd., Ste. 145  
Oakbrook Terrace, IL 60181

Aldo Pineda  
1616 S. 57th Ct.  
Cicero, IL 60804

/s/ John Hamada